



April 24, 2006

TO: Mark Clark
FROM: Mason Conservation District
SUBJECT: Request for Legal Support

This email constitutes a request from the Mason Conservation District.

-----Original Message-----

From: Salzer, Tom [<mailto:tsalzer@scc.wa.gov>]
Sent: Monday, April 24, 2006 12:16 PM
To: mark.clark@scc.wa.gov
Subject: FW: [managers-all] Legal news about special assessments

Mason CD is again asking for additional legal support from the Conservation Commission.

As an aside, they may need more help this time around because (a) the constitutional question will actually be heard, and (b) the deputy prosecutor previously assisting them now works for the City of Olympia.

Tom

-----Original Message-----

From: John Bolender [<mailto:jbolender@masoncd.org>]
Sent: Monday, April 24, 2006 1:14 PM
To: Salzer, Tom
Subject: RE: [managers-all] Legal news about special assessments

Tom,

I discussed this issue with our BOS on Thursday. As MCD stated in our initial letter to the Commission, when this litigation was initiated, we seek legal assistance on this matter from the Commission. Our BOS believes, rightly so, the Commission has a substantial interest in assuring the petitioners do not prevail.

Although a decision may not set a precedent, you are correct that it will likely be considered and could very well affect other future litigation. As the District has no litigation budget, we are not in a position to defend against the litigation and cannot count on the County to represent the Districts interests.

We once again need, and ask the Commission for assistance in this matter. I appreciate your consideration and look forward to your thoughtful reply.

Best regards,
John Bolender, District Manager
Mason Conservation District

-----Original Message-----

From: owner-managers-all@list.scc.wa.gov
[mailto:owner-managers-all@list.scc.wa.gov] On Behalf Of Salzer, Tom
Sent: Friday, April 21, 2006 5:17 PM
To: managers-all@list.scc.wa.gov
Subject: [managers-all] Legal news about special assessments

Read on if you are interested in conservation district special assessments and legal issues...

Two significant events happened this week: Attorney General Rob McKenna issued a formal Attorney General Opinion, and the Court of Appeals reversed a case involving the Mason CD special assessment.

AGO 2006 #8 - You can find this AGO at http://www.atg.wa.gov/opinions/2006/2006_8.htm and at <http://filecab.scc.wa.gov/index.html?DIR=Legal>.

If you're familiar with special assessments and the role of your county legislative body, you'll find the AGO very interesting. It's a good read. For example, it starts to spell out what a county can and cannot change in the conservation district's proposed system of assessments. That should be of interest to any district with, or considering, a special assessment!

Court of Appeals - You can find this opinion at <http://www.courts.wa.gov/opinions/?fa=opinions.opindisp>
<<http://www.courts.wa.gov/opinions/?fa=opinions.opindisp&docid=327538MAJ>
> &docid=327538MAJ and at <http://filecab.scc.wa.gov/index.html?DIR=Legal>.

The shorthand version is a case against Mason County and the Mason CD had been dismissed by a Superior Court because the suit challenging the validity of the assessment had not been filed in time...but the Court of Appeals reversed that decision, essentially telling the Superior Court it's ruling was incorrect. The Court of Appeals has sent the case back to the Superior Court.

What does this mean? It means the challenge to the Mason CD special assessment will be heard by the court.

I wish I had a crystal ball that accurately predicted what would happen next...but I don't. I'll send along more information when we get it!